

**From:** Ruffin Bailey  
**To:** Microsoft ATR  
**Date:** 1/28/02 5:34pm  
**Subject:** Microsoft Settlement

Under the Tunney Act, I would like to comment on the proposed Microsoft settlement.

I find the punishments levied for a company that "engaged in a variety of exclusionary acts designed to protect its operating system monopoly" are wholly inadequate, amounting to little more than a slap on the wrist.

I would like the settlement to have more teeth that would serve to officially level the playing field in the personal computer operating system market without hurting the people at Microsoft that have put in countless hours to create what is a useful product. Splitting Microsoft into a number of companies that all have rights to sell and develop newly forked versions of the operating system would be a great first step. But if this cannot be accomplished, there are still several things that the Department of Justice can do to help with the state of Microsoft's monopoly.

There should be no monetary penalties from Microsoft for original equipment manufacturers (OEMs) that sell computers bundled with Microsoft's operating systems for the inclusion of any software, whether Sun's Java Virtual Machine, Netscape/AOL's Netscape browser, free alternatives to Microsoft Office, or the ability to "dual-boot" into other alternative operating systems preinstalled on the machine, like Linux or FreeBSD. For every pre-packaged solution offered by Microsoft, whether its Internet Explorer, MediaPlayer, or what-have-you, there should be another, out of the box alternative for computer users ready for use like Mozilla or Real's RealPlayer or Apple's QuickTime. These should not be secondary products, but true alternatives that users can choose upon first booting their new computers, and should also be alternatives that can be accessed at a future date.

Simply put, not enough has been done to level the playing field. Microsoft's aggressive tendencies can be counterbalanced by providing a level playing field for OEM's to sell their hardware of choice with software of choice without punishing those who have put in hard work at Microsoft unduly as well.

Please reconsider your original, relatively light sentencing.

Wm. Ruffin Bailey  
Turben Place  
Mount Pleasant, SC 29466

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